THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO:16489 of 2005

Dated:02nd August, 2005

Between:

1. G.Rajendra Kumar and another

...PETITIONERS

and

1. The Government of Andhra Pradesh, rep.by its
Secretary, School Education, Secretariat,
Hyderabad and 2 others.

...RESPONDENTS

ORDER:

-

-

This writ petition is filed by the petitioners aggrieved by the non-consideration of their claims for allotment of seats for admission into the B.Ed., Course under reserved quota for C.A.P. category.

2. According to the petitioners, as per the Rules issued in G.O.Ms.No.154 dated 27-04-1989 as amended by G.O.Ms.No.102 dated 18-12-1999, a provision of 3% was made reserving for the Ex-Service men and Defence

Personnel residing in the State and their spouses and children. However, according to the petitioner, the respondents are not considering their cases in terms of the above rule. Therefore, the petitioners have come up with the present writ petition seeking appropriate directions.

3. At the time of hearing, the learned Government Pleader placed before this Court the Standing Orders passed by the Government amending the said sub-rule where 3% reserved earlier for the Ex-Service men, their spouses and children by substituting with the children of the Ex-Service men and therefore, according to the learned Government Pleader the Ex-Service men are not eligible, but only their children are eligible for 3% reserved quota. The learned Government Pleader also placed the amended rules which were applicable even for 2003-2004 which confines the reservation only to the children of Armed Forces i.e., Ex-Service men, Defence Personnel including the children of Border Security Forces and Central Reserve Police residing in Andhra Pradesh for a minimum period of five years. Therefore, the petitioners who are claiming to be the Ex-Service man and the spouse of the Ex-Service man are not eligible for being considered.

4. However, the learned counsel for the petitioners sought for certain directions that if the children of the Ex-Service men are not available towards 3% quota, their cases may be directed to be considered. But this Court cannot give such directions as it is against the rules. If 3% quota of seats are not filled with the children of the Ex-Service people as specified, they would be thrown upon to the open category and if the petitioners' got ranks in the OC category, they are eligible for being considered and not otherwise.

5. In the above circumstances, the writ petition deserves no merit and the same is accordingly dismissed. However, if the petitioners are entitled under the OC-category in accordance with law, their cases may be considered accordingly, on merits. No order as to costs.

S.ANANDA REDDY, J

02nd August, 2005

Note:

Furnish C.C. by tomorrow.

B/o.

SKM